



## Senate

General Assembly

January Session, 2009

**File No. 387**

Senate Bill No. 151

*Senate, April 1, 2009*

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (g) Any person who violates any provision of subsection (a) of this  
5 section shall: (1) For conviction of a first violation, (A) be fined not less  
6 than five hundred dollars or more than one thousand dollars, [and] (B)  
7 be (i) imprisoned not more than six months, forty-eight consecutive  
8 hours of which may not be suspended or reduced in any manner, or  
9 (ii) imprisoned not more than six months, with the execution of such  
10 sentence of imprisonment suspended entirely and a period of  
11 probation imposed requiring as a condition of such probation that  
12 such person perform one hundred hours of community service, as  
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle  
14 operator's license or nonresident operating privilege suspended for

15 [one year] eighteen months, or (ii) have such person's motor vehicle  
16 operator's license or nonresident operating privilege suspended for six  
17 months and be prohibited for the one-year period following  
18 completion of such period of suspension from operating a motor  
19 vehicle unless such motor vehicle is equipped with a functioning,  
20 approved ignition interlock device, as defined in section 14-227j; (2) for  
21 conviction of a second violation within ten years after a prior  
22 conviction for the same offense, (A) be fined not less than one  
23 thousand dollars or more than four thousand dollars, (B) be  
24 imprisoned not more than two years, one hundred twenty consecutive  
25 days of which may not be suspended or reduced in any manner, and  
26 sentenced to a period of probation requiring as a condition of such  
27 probation that such person perform one hundred hours of community  
28 service, as defined in section 14-227e, and (C) (i) have such person's  
29 motor vehicle operator's license or nonresident operating privilege  
30 suspended for three years or until the date of such person's twenty-  
31 first birthday, whichever is longer, or (ii) if such person has been  
32 convicted of a violation of subdivision (1) of subsection (a) of this  
33 section on account of being under the influence of intoxicating liquor  
34 or of subdivision (2) of subsection (a) of this section, have such  
35 person's motor vehicle operator's license or nonresident operating  
36 privilege suspended for one year and be prohibited for the two-year  
37 period following completion of such period of suspension from  
38 operating a motor vehicle unless such motor vehicle is equipped with  
39 a functioning, approved ignition interlock device, as defined in section  
40 14-227j; and (3) for conviction of a third and subsequent violation  
41 within ten years after a prior conviction for the same offense, (A) be  
42 fined not less than two thousand dollars or more than eight thousand  
43 dollars, (B) be imprisoned not more than three years, one year of which  
44 may not be suspended or reduced in any manner, and sentenced to a  
45 period of probation requiring as a condition of such probation that  
46 such person perform one hundred hours of community service, as  
47 defined in section 14-227e, and (C) have such person's motor vehicle  
48 operator's license or nonresident operating privilege permanently  
49 revoked upon such third offense. For purposes of the imposition of

50 penalties for a second or third and subsequent offense pursuant to this  
51 subsection, a conviction under the provisions of subsection (a) of this  
52 section in effect on October 1, 1981, or as amended thereafter, a  
53 conviction under the provisions of either subdivision (1) or (2) of  
54 subsection (a) of this section, a conviction under the provisions of  
55 section 53a-56b or 53a-60d or a conviction in any other state of any  
56 offense the essential elements of which are determined by the court to  
57 be substantially the same as subdivision (1) or (2) of subsection (a) of  
58 this section or section 53a-56b or 53a-60d, shall constitute a prior  
59 conviction for the same offense.

60 Sec. 2. Subsection (i) of section 14-227a of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2009*):

63 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
64 whose license has been suspended in accordance with the provisions  
65 of subparagraph (C) (ii) of subdivision (1) or subparagraph (C)(ii) of  
66 subdivision (2) of subsection (g) of this section, as amended by this act,  
67 to operate a motor vehicle if (A) such person has [served not less than  
68 one year of such] completed the required period of such suspension,  
69 and (B) such person has installed an approved ignition interlock device  
70 in each motor vehicle owned or to be operated by such person. No  
71 person whose license is suspended by the commissioner for any other  
72 reason shall be eligible to operate a motor vehicle equipped with an  
73 approved ignition interlock device. (2) All costs of installing and  
74 maintaining an ignition interlock device shall be borne by the person  
75 required to install such device. (3) The commissioner shall adopt  
76 regulations, in accordance with the provisions of chapter 54, to  
77 implement the provisions of this subsection. The regulations shall  
78 establish procedures for the approval of ignition interlock devices, for  
79 the proper calibration and maintenance of such devices and for the  
80 installation of such devices by any firm approved and authorized by  
81 the commissioner. (4) The provisions of this subsection shall not be  
82 construed to authorize the continued operation of a motor vehicle  
83 equipped with an ignition interlock device by any person whose

84 operator's license or nonresident operating privilege is withdrawn,  
85 suspended or revoked for any other reason. (5) The provisions of this  
86 subsection shall apply to any person whose license has been  
87 suspended in accordance with the provisions of subparagraph (C) (ii)  
88 of subdivision (2) of subsection (g) of this section, as amended by this  
89 act, on or after September 1, 2003.

90 Sec. 3. Section 14-227f of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2009*):

92 (a) Any person whose motor vehicle operator's license or  
93 nonresident operating privilege is suspended under subsection (g) of  
94 section 14-227a, as amended by this act, for a conviction of a violation  
95 of subsection (a) of said section or under section 14-227b for a second  
96 or subsequent time shall participate in a treatment program which  
97 includes an assessment of the degree of alcohol abuse and treatment,  
98 as appropriate, approved by the Commissioner of Motor Vehicles. The  
99 commissioner shall not reinstate the operator's license or nonresident  
100 operating privilege of any such person (1) whose license has been  
101 suspended in accordance with the provisions of subdivision (1) of  
102 subsection (g) of section 14-227a, as amended by this act, until such  
103 person submits evidence to the commissioner that such person is  
104 participating in the treatment program, or (2) whose license has been  
105 suspended in accordance with the provisions of subdivision (2) or (3)  
106 of subsection (g) of section 14-227a, as amended by this act, or under  
107 section 14-227b for a second or subsequent time until such person  
108 submits evidence to the commissioner that such person has  
109 satisfactorily completed the treatment program. Any person whose  
110 certificate is suspended or revoked pursuant to section 15-133, 15-140l  
111 or 15-140n shall participate in such treatment program.

112 (b) The treatment program shall be designed by the commissioner,  
113 with the advice and assistance of the Motor Vehicle Operator's License  
114 Medical Advisory Board established pursuant to section 14-46b, any  
115 state agency or any other public or private entity engaged in the  
116 provision of responsible services for the treatment of alcohol and drug

117 addiction as the commissioner may request. The program shall consist  
118 of intensive treatment and a phase of continuing aftercare supervision  
119 and monitoring on an individual basis. The program may be provided  
120 by one or more private organizations approved by the commissioner  
121 which meet qualifications established by him, provided the entire costs  
122 of the program shall be paid from fees charged to the participants, the  
123 amounts of which shall be subject to the approval of the commissioner.

124 (c) Upon receipt of notification from the commissioner of the  
125 requirement to participate in the program, such person may, within  
126 thirty days, petition the commissioner in writing for a waiver of such  
127 requirement on the following grounds: (1) The petitioner is presently  
128 undergoing a substantial treatment program for alcohol or drug  
129 addiction, or has completed such a program subsequent to his most  
130 recent arrest, either as a result of an order of the Superior Court or on a  
131 voluntary basis, and (2) the petitioner does not, in the opinion of a  
132 licensed physician based upon a personal examination, have a current  
133 addiction problem which affects his ability to operate a motor vehicle  
134 in a safe manner or pose a significant risk of having such a problem in  
135 the foreseeable future. In reviewing and determining whether to grant  
136 any such petition, the commissioner shall request and give due  
137 consideration to the advice of the Motor Vehicle Operator's License  
138 Medical Advisory Board. Any person aggrieved by the decision of the  
139 commissioner may appeal such decision in accordance with the  
140 provisions of chapter 54.

141 (d) The commissioner shall adopt regulations in accordance with  
142 chapter 54 to implement the provisions of this section.

143 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the  
144 general statutes is repealed and the following is substituted in lieu  
145 thereof (*Effective October 1, 2009*):

146 (2) Any person whose license has been revoked in accordance with  
147 subparagraph (C) of subdivision (3) of subsection (g) of section 14-  
148 227a, as amended by this act, on or after October 1, 1999, may, at any  
149 time after six years from the date of such revocation, request a hearing

150 before the commissioner, conducted in accordance with the provisions  
 151 of chapter 54, and the provisions of subdivision (1) of this subsection  
 152 for reversal or reduction of such revocation. The commissioner shall  
 153 require such person to provide evidence that any reversal or reduction  
 154 of such revocation shall not endanger the public safety or welfare.  
 155 Such evidence shall include, but not be limited to, proof that such  
 156 person has successfully completed an alcohol education and treatment  
 157 program, and proof that such person has not been convicted of any  
 158 offense related to alcohol, controlled substances or drugs during the  
 159 preceding six years. The commissioner shall require any person, as a  
 160 condition of granting such reversal or reduction, to install and  
 161 maintain an approved ignition interlock device, in accordance with the  
 162 provisions of subsection (i) of section 14-227a, as amended by this act.  
 163 The approved ignition interlock device shall be installed and  
 164 maintained from the date such reversal or reduction is granted until  
 165 [ten] four years has passed since the date of such [revocation] reversal  
 166 or reduction. The commissioner may adopt regulations, in accordance  
 167 with the provisions of chapter 54, to establish standards to implement  
 168 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	14-227a(g)
Sec. 2	<i>October 1, 2009</i>	14-227a(i)
Sec. 3	<i>October 1, 2009</i>	14-227f
Sec. 4	<i>October 1, 2009</i>	14-111(k)(2)

**TRA**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Motor Vehicles	TF - Cost	195,000	200,850
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	TF - Cost	49,589	51,076

Note: TF=Transportation Fund

#### **Municipal Impact:** None

#### **Explanation**

Requiring the use of interlock devices by first time offenders will result in an annual cost to the Department of Motor Vehicles of \$244,413 beginning in FY 10. The department will require three additional Motor Vehicle Analyst positions (\$65,000 plus fringes<sup>1</sup> for each) for processing and verifying compliance with the provisions in this bill. The cost estimate takes into consideration that there are 12,000 DUI arrests annually, with about 4,000 DUI convictions per year. Under the current law program, there are about 400 second and third time offenders using interlock devices.

#### **The Out Years**

#### **State Impact:**

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
Department of Motor Vehicles	TF - Cost*	206,876	213,082	219,474
Comptroller Misc. Accounts (Fringe Benefits)	TF - Cost*	52,608	54,186	55,812

Note: TF=Transportation Fund

\*These figures have been adjusted for inflation at a rate of 3%

***Municipal Impact:*** None



**OLR Bill Analysis****SB 151*****AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES IN MOTOR VEHICLES.*****SUMMARY:**

This bill modifies the current ignition interlock device and license suspension requirements for a person convicted of driving under the influence of alcohol or drugs (DWI).

Under current law, a court may require a person to drive only motor vehicles equipped with an ignition interlock device after a mandatory suspension or revocation of a driver's license or operating privileges following the person's second or subsequent DWI conviction. This bill:

1. lengthens the license suspension period following a person's first DWI conviction from one year to 18 months, but provides an alternative of a six-month suspension followed by a requirement to drive only ignition interlock-equipped vehicles for one year;
2. requires a person whose driving license or operating privilege was revoked after a third DWI conviction to drive only ignition interlock-equipped vehicles for four years following license or privilege restoration; and
3. makes related changes.

The bill does not affect (1) the separate and unrelated suspension requirements under the administrative *per se* law that apply before the criminal charge is adjudicated or (2) the ignition interlock requirements that apply after a person's second DWI conviction.

It requires the driver to pay for the ignition interlock device and meet the existing Department of Motor Vehicle (DMV) regulations regarding the device's calibration, installation, and maintenance.

EFFECTIVE DATE: October 1, 2009

## **USE OF IGNITION INTERLOCK-EQUIPPED VEHICLES**

### ***First DWI Conviction***

Under current law, in addition to imprisonment and a fine, a person convicted of DWI for the first time must have his or her license or nonresident operating privilege suspended for one year. The bill instead requires that the person's license or privilege be suspended for (1) 18 months or (2) six months, followed by a one-year period in which he or she cannot drive a motor vehicle unless it is equipped with a functioning, DMV-approved ignition interlock device.

The bill prohibits the commissioner from reinstating a first-time offender's license who has applied for reinstatement and use of an ignition interlock until the person submits evidence that he or she is participating in a commissioner-approved treatment program. By law, anyone convicted of DWI, even for a first time, must complete a treatment program as a prerequisite for reinstatement. However, these treatment programs typically last longer than six months, so a first offender is likely not to have completed the program by the time the six-month suspension is finished.

### ***Third or Subsequent DWI Conviction***

By law, a person convicted of a third or subsequent DWI offense within 10 years must have his or her license or privilege permanently revoked. Currently, after six years of the revocation have passed, the offender can petition the commissioner for a reversal or reduction of the revocation. If the commissioner grants the petition, the ignition interlock device must be installed and maintained in the driver's vehicles until 10 years have passed since the date of the revocation. The bill instead requires that the device be maintained for four years from the date of the reversal or reduction of the revocation, whenever

that actually occurs.

## **BACKGROUND**

### ***Second DWI Conviction***

The ignition interlock provisions of the law that apply following a second DWI conviction are not changed by the bill. The law requires a three-year suspension, but if the conviction was due to alcohol rather than drugs, the offender can serve a one-year suspension and apply to DMV for operation of ignition interlock-equipped vehicles for two years in lieu of the second and third years of the suspension.

### ***Ignition Interlock Devices***

When an ignition interlock device is installed on a motor vehicle, it prevents the vehicle from starting unless a breath sample is provided that shows a blood-alcohol level below the threshold set for the device. In Connecticut, this is set at .025% (the per se intoxication level is .08%). Sometime after the vehicle has been started (usually six to 20 minutes), it requires provision of a second "in use" sample. If this sample is more than the threshold level, countermeasures such as blinking headlights, horn, or both are activated to draw attention to the vehicle.

Four DMV-approved vendors provide ignition interlock devices in Connecticut. The user typically has to pay an installation fee for the device, a monthly lease payment, a charge for downloading the information stored in the device and for calibration (which in Connecticut occurs every 60 days), and in some cases a charge when the device is removed after the required period for its use has elapsed. The monthly fee for the device can vary depending on the length of the lease period.

## **COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 35      Nay 0      (03/13/2009)